

# REPORT OF PROCEEDINGS BY INVESTIGATING OFFICER/BOARD OF OFFICERS

For use of this form, see AR 15-6; the proponent agency is DTJAG.

IF MORE SPACE IS REQUIRED IN FILLING OUT ANY PORTION OF THIS FORM, ATTACH ADDITIONAL SHEETS

## SECTION I - APPOINTMENT

Appointed by LTC [REDACTED], Commander, 3rd Squadron, 7th U.S. Cavalry  
(Appointing authority)

on 11OCT05 (Date) (Attach inclosure 1: Letter of appointment or summary of oral appointment data.) (See para 3-15, AR 15-6.)

## SECTION II - SESSIONS

The (investigation) (board) commenced at FOB [REDACTED] Baghdad, Iraq at 1100  
(Place) (Time)

on 11OCT05 (Date) (If a formal board met for more than one session, check here ☐. Indicate in an inclosure the time each session began and ended, the place, persons present and absent, and explanation of absences, if any.) The following persons (members, respondents, counsel) were present: (After each name, indicate capacity, e.g., President, Recorder, Member, Legal Advisor.)

The following persons (members, respondents, counsel) were absent: (Include brief explanation of each absence.) (See paras 5-2 and 5-8a, AR 15-6.)

The (investigating officer) (board) finished gathering/hearing evidence at 1530 on 12NOV05  
(Time) (Date)

and completed findings and recommendations at 1700 on 12NOV05  
(Time) (Date)

## SECTION III - CHECKLIST FOR PROCEEDINGS

A. COMPLETE IN ALL CASES		YES	NO <sup>1/</sup>	NA <sup>2/</sup>
1	Inclosures (para 3-15, AR 15-6)			
	Are the following inclosed and numbered consecutively with Roman numerals: (Attached in order listed)			
	a. The letter of appointment or a summary of oral appointment data?	X		
	b. Copy of notice to respondent, if any? (See item 9, below)	X		
	c. Other correspondence with respondent or counsel, if any?	X		
	d. All other written communications to or from the appointing authority?	X		
	e. Privacy Act Statements (Certificate, if statement provided orally)?	X		
	f. Explanation by the investigating officer or board of any unusual delays, difficulties, irregularities, or other problems encountered (e.g., absence of material witnesses)?			X
	g. Information as to sessions of a formal board not included on page 1 of this report?			X
	h. Any other significant papers (other than evidence) relating to administrative aspects of the investigation or board?			X

FOOTNOTES: 1/ Explain all negative answers on an attached sheet.

2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.

		YES	NO <sup>1</sup>	NA <sup>2</sup>
2	Exhibits (para 3-16, AR 15-6)			
	a. Are all items offered (whether or not received) or considered as evidence individually numbered or lettered as exhibits and attached to this report?	X		
	b. Is an index of all exhibits offered to or considered by investigating officer or board attached before the first exhibit?	X		
	c. Has the testimony/statement of each witness been recorded verbatim or been reduced to written form and attached as an exhibit?	X		
	d. Are copies, descriptions, or depictions (if substituted for real or documentary evidence) properly authenticated and is the location of the original evidence indicated?	X		
	e. Are descriptions or diagrams included of locations visited by the investigating officer or board (para 3-6b, AR 15-6)?			X
	f. Is each written stipulation attached as an exhibit and is each oral stipulation either reduced to writing and made an exhibit or recorded in a verbatim record?	X		
	g. If official notice of any matter was taken over the objection of a respondent or counsel, is a statement of the matter of which official notice was taken attached as an exhibit (para 3-16d, AR 15-6)?			X
3	Was a quorum present when the board voted on findings and recommendations (paras 4-1 and 5-2b, AR 15-6)?			X
<b>B. COMPLETE ONLY FOR FORMAL BOARD PROCEEDINGS (Chapter 5, AR 15-6)</b>				
4	At the initial session, did the recorder read, or determine that all participants had read, the letter of appointment (para 5-3b, AR 15-6)?			
5	Was a quorum present at every session of the board (para 5-2b, AR 15-6)?			
6	Was each absence of any member properly excused (para 5-2a, AR 15-6)?			
7	Were members, witnesses, reporter, and interpreter sworn, if required (para 3-1, AR 15-6)?			
8	If any members who voted on findings or recommendations were not present when the board received some evidence, does the inclosure describe how they familiarized themselves with that evidence (para 5-2d, AR 15-6)?			
<b>C. COMPLETE ONLY IF RESPONDENT WAS DESIGNATED (Section II, Chapter 5, AR 15-6)</b>				
9	Notice to respondents (para 5-5, AR 15-6):			
	a. Is the method and date of delivery to the respondent indicated on each letter of notification?			
	b. Was the date of delivery at least five working days prior to the first session of the board?			
	c. Does each letter of notification indicate -			
	(1) the date, hour, and place of the first session of the board concerning that respondent?			
	(2) the matter to be investigated, including specific allegations against the respondent, if any?			
	(3) the respondent's rights with regard to counsel?			
	(4) the name and address of each witness expected to be called by the recorder?			
	(5) the respondent's rights to be present, present evidence, and call witnesses?			
	d. Was the respondent provided a copy of all unclassified documents in the case file?			
	e. If there were relevant classified materials, were the respondent and his counsel given access and an opportunity to examine them?			
10	If any respondent was designated after the proceedings began (or otherwise was absent during part of the proceedings):			
	a. Was he properly notified (para 5-5, AR 15-6)?			
	b. Was record of proceedings and evidence received in his absence made available for examination by him and his counsel (para 5-4c, AR 15-6)?			
11	Counsel (para 5-6, AR 15-6):			
	a. Was each respondent represented by counsel?			
	Name and business address of counsel:			
	(If counsel is a lawyer, check here <input type="checkbox"/> )			
	b. Was respondent's counsel present at all open sessions of the board relating to that respondent?			
	c. If military counsel was requested but not made available, is a copy (or, if oral, a summary) of the request and the action taken on it included in the report (para 5-6b, AR 15-6)?			
12	If the respondent challenged the legal advisor or any voting member for lack of impartiality (para 5-7, AR 15-6):			
	a. Was the challenge properly denied and by the appropriate officer?			
	b. Did each member successfully challenged cease to participate in the proceedings?			
13	Was the respondent given an opportunity to (para 5-8a, AR 15-6):			
	a. Be present with his counsel at all open sessions of the board which deal with any matter which concerns that respondent?			
	b. Examine and object to the introduction of real and documentary evidence, including written statements?			
	c. Object to the testimony of witnesses and cross-examine witnesses other than his own?			
	d. Call witnesses and otherwise introduce evidence?			
	e. Testify as a witness?			
	f. Make or have his counsel make a final statement or argument (para 5-9, AR 15-6)?			
14	If requested, did the recorder assist the respondent in obtaining evidence in possession of the Government and in arranging for the presence of witnesses (para 5-8b, AR 15-6)?			
15	Are all of the respondent's requests and objections which were denied indicated in the report of proceedings or in an inclosure or exhibit to it (para 5-11, AR 15-6)?			
<b>FOOTNOTES:</b> 1/ Explain all negative answers on an attached sheet. 2/ Use of the N/A column constitutes a positive representation that the circumstances described in the question did not occur in this investigation or board.				

**SECTION IV - FINDINGS** (para 3-10, AR 15-6)

The (investigating officer) (board), having carefully considered the evidence, finds:

1. I find, based on the evidence gathered, that no soldier in A/3-7 CAV should be found negligent for the death of a local national on or about 10 NOV 05.
2. I find that all ROE and escalation of force used by A/3-7 CAV on or about 10 NOV 05 followed the theater SOP for escalation of force procedures.

3. Summary of Findings:

a. SGT [REDACTED] is the BC for A31, an M3A2 CFV. While on a routine patrol at 1230 on 10 NOV 05, SGT [REDACTED] gunner notified him of a white sedan weaving in and out of traffic, moving at a high rate of speed, and closing on this vehicle. After SGT [REDACTED] made eye contact with the car, he used hand and arm signals to signal to the vehicle to decrease speed. After the vehicle continued to close in on the BFV with no decrease in speed, SGT [REDACTED] pointed his M-4 carbine at the driver and then notified his wingman about the situation. By this time the vehicle was estimated at being around 50m from the BFV. When the driver did not acknowledge the escalation of force and still closed within 50m of the BFV, SGT [REDACTED] fired four warning shots into the air. After firing the four warning shots, SGT [REDACTED] fired two shots into the median located towards the right side of the vehicle. At that present time, the vehicle was estimated at being 35m away with no decrease in speed from the vehicle. SGT [REDACTED] then fired one round into the hood of the sedan. Finally, since there was no decrease in speed, no acknowledgement by the driver of the sedan, and the threatening distance of the sedan from the BFV, SGT [REDACTED] fired an aimed shot into the sedan that ultimately resulted in the death of a local national. The estimated distance of the sedan was within 20m of the BFV. After the final shot was fired, SGT [REDACTED] notified his wingman of what just happened and they turned the patrol around to assess the situation. SGT [REDACTED] dismounted with an Apache medic and after the medic checked the local national he notified him that he was dead. During that time, SGT [REDACTED] wingman called up to [REDACTED] to report the incident. The Iraqi Police were in the same AO of the incident, policed the body up, and drove off with it.

b. SPC [REDACTED] is the gunner for SGT [REDACTED] BFV. SPC [REDACTED] stated that when he saw the vehicle close in through his gunner sites, he stated to the BC, SGT [REDACTED], that the vehicle was too close. SPC [REDACTED] stated that after the four warning shots were fired into the ground, the one round was put into the grill of the sedan, and the final shot was put into the sedan, the section turned around to analyze the situation. The medic dismounted and pronounced the local national dead. SPC [REDACTED] stated that the IP's were within distance of the event and loaded the body on one of their vehicles and took it away.

c. 1LT [REDACTED] is the XO of Apache Troop and was the first officer notified of the situation. After being notified by the TOC about the situation, he immediately got a SITREP from [REDACTED] (SGT [REDACTED]) about the incident. 1LT [REDACTED] stated that SGT [REDACTED] notified him about the escalation of force used to stop the vehicle approaching the BFV. He stated that SGT [REDACTED] reported he showed hand/arm signals, showed his weapon, fired four warning shots in the air, fired two shots into the median on the right side of the vehicle, fired one shot into the hood of the vehicle, and finally an aimed shot through the window of the car. He stated that four IP's were in the vicinity of the incident and took the body and vehicle.

4. The current ROE states that any trooper may use force, including deadly force, to defend himself from persons who commit or are about to commit hostile acts. They may use the same level of force to protect themselves, the unit, and friendly forces.

**SECTION V - RECOMMENDATIONS** (para 3-11, AR 15-6)

In view of the above findings, the (investigating officer) (board) recommends:

I, the investigating officer, recommend the following for Apache's escalation of force incident against an Iraqi local national on 10 NOV 05:

1. I recommend no further UCMJ action be taken against SGT [REDACTED] for the escalation of force, or ROE, incident used in the 10 NOV 05 shooting of a local national. SGT [REDACTED] took every step, including correct escalation procedures, to follow the ROE and provided several opportunities for the local national to realize his speed and distance posed a threat to the patrol (Exhibit A-E). Each soldier in the patrol was briefed by the patrol leader before SP, and then again by the BC regarding any escalation of force, or ROE, procedures (Exhibit D-E). After speaking with SGT [REDACTED], it was obvious that he truly believed the vehicle, ultimately closing to within 20m of the patrolling element, posed a threat to himself and his soldiers and responded according to the ROE (see Figures 1 and 2).

2. I recommend that no UCMJ action be taken against Apache Troop for the 10 NOV 05 escalation of force incident against the Iraqi local national. Both SGT [REDACTED] and SPC [REDACTED] stated that escalation of force and ROE was constantly reinforced from the Troop commander all the way down to the crew level (Exhibit D-F). This was made obvious not only after speaking with SGT [REDACTED] but also due to escalation of force procedures he followed in the event.

3. I recommend that the Squadron make no amendments to the current escalation of force, or ROE, procedures due to the 10 NOV 05 shooting incident of an Iraqi local national. After speaking with several soldiers in Apache Troop, and the outcome of the incident, it is obvious that Apache Troop understood, executed, and exceeded the escalation of force standards for the Squadron.

4. Apache Troop followed the escalation of force procedures, and ROE, correctly. According to the current ROE, any individual has the right to use force, including deadly force, to defend himself or any other soldier in his unit from anyone who is committing, or prepared to commit, a hostile act (Exhibit G).

SECTION VI - AUTHENTICATION (para 3-17, AR 15-6)

THIS REPORT OF PROCEEDINGS IS COMPLETE AND ACCURATE. (If any voting member or the recorder fails to sign here or in Section VII below, indicate the reason in the space where his signature should appear.)

\_\_\_\_\_  
(Recorder)

\_\_\_\_\_  
ILT \_\_\_\_\_  
(Investigating Officer) (President)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

SECTION VII - MINORITY REPORT (para 3-13, AR 15-6)

To the extent indicated in Inclosure \_\_\_\_\_, the undersigned do(es) not concur in the findings and recommendations of the board. (In the inclosure, identify by number each finding and/or recommendation in which the dissenting member(s) do(es) not concur. State the reasons for disagreement. Additional/substitute findings and/or recommendations may be included in the inclosure.)

\_\_\_\_\_  
(Member)

\_\_\_\_\_  
(Member)

SECTION VIII - ACTION BY APPOINTING AUTHORITY (para 2-3, AR 15-6)

The findings and recommendations of the (investigating officer) board are (approved) (disapproved) (approved with following exceptions/submissions). (If the appointing authority returns the proceedings to the investigating officer or board for further proceedings or corrective action, attach that correspondence (or a summary, if oral) as a numbered inclosure.)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

## INDEX OF EXHIBITS

- Memorandum appointing Investigating Officer
- Chronology on Investigation
- DA Form 1574
- Exhibit A—ILT [REDACTED] sworn statement
- Exhibit B—SGT [REDACTED] sworn statement (#1)
- Exhibit C—SPC [REDACTED] sworn statement (#1)
- Exhibit D—SGT [REDACTED] sworn statement (#2)
- Exhibit E—SPC [REDACTED] sworn statement (#2)
- Exhibit F—Attached Memorandum of SGT [REDACTED] interview
- Exhibit G—CJTF-7 US Rules of Engagement Card
- Figure 1—[REDACTED] View of the incident

DEPARTMENT OF THE ARMY  
Headquarters, 3<sup>rd</sup> Squadron, 7<sup>th</sup> U.S. Cavalry  
3D Infantry Division  
FOB [REDACTED], Iraq  
APO, AE 09380

AFZP-VDC-HQ

10 NOV 2005

MEMORANDUM FROM Commander, 3<sup>d</sup> Squadron, 7<sup>th</sup> Cavalry Regiment, FOB [REDACTED], Iraq  
APO, AE 09380

MEMORANDUM FOR 1LT [REDACTED], Crazyhorse Troop, 3d Squadron, 7<sup>th</sup> U.S. Cavalry Regiment  
FOB [REDACTED], Iraq, APO, AE 09380

SUBJECT: Appointment of Investigating Officer

1. You are hereby appointed as an investigating officer pursuant to Army Regulation (AR) 15-6, Procedures for Investigating Officers and Boards of Officers, to conduct an informal investigation into the escalation of force used by A/3-7 CAV in the killing of an Iraqi local national on or about 10 November 2005.
2. Your investigation should focus on, but not necessarily be limited to, the following:
  - a. The facts and situation surrounding the incident.
  - b. Whether or not Rules of Engagement, escalation of force were known and followed.
  - c. Actions taken by leaders IOT mitigate risks associated with use of deadly force (i.e. Do leaders rehearse ROE and escalation of force prior to SP? Is it posted in the Troop area? Does every Soldier know and understand ROE and escalation of force?).
3. Your investigation should include witness interviews with the appropriate unit personnel, any witnesses to the incident or to the actions of the individuals during the timeframe of the incident, and any other person or persons that may shed light into the circumstances.
4. Prior to the beginning of your investigation, you must make an appointment with the Administrative Law Division of the Staff Judge Advocate's Office (located adjacent to 26 FSB). An attorney at the Administrative Law Division will be your legal advisor. You will update the Squadron Adjutant daily as to the progress of your investigation. You will allow me to review your findings prior to submitting to the Administrative Law Division.
5. In conducting your investigation, use informal procedures under AR 15-6. Make specific findings as to the allegations above. The evidence you gather should support your findings. Make recommendations consistent with your findings to address any perceived or actual improper or criminal conduct.
6. In your investigation, all witness statements will be sworn and written on DA Form 2823, Sworn Statement. If, in the course of your investigation, you come to suspect that any individuals have committed a criminal offense, then use DA Form 3881, Rights Warning/ Procedure Waiver Certificate, to advise them of their rights under Article 31, Uniform Code of Military Justice, or the Fifth Amendment (if interviewing a civilian), as appropriate. In addition, provide witnesses with a Privacy Act Statement before you interview them (See AR 15-6, Appendix B).
7. I direct you to compile a daily chronology of all investigative activities and encourage you to consult with a legal advisor whenever and as often as necessary. In the case of any alleged criminal misconduct, you must consult with a legal advisor

8. Submit your findings and recommendations to me on DA Form 1574 within 2 working days of receipt of this appointment order. Should you require additional time, coordinate with me directly.
9. Point of contact for this action is CPT [REDACTED], Squadron Adjutant at [REDACTED]@us.army.mil.  
VOIP [REDACTED]

[REDACTED]

LTC, AR  
Commanding

## Chronology of Investigation

10 November 2005:

1800—Appointed Investigating officer

1950—Made contact with [REDACTED], advised me to meet with [REDACTED]

11 November 2005:

0900—Met with [REDACTED] and had him fill out sworn statement regarding general information about the series of events; received SGT [REDACTED] and SPC [REDACTED] first sworn statement.

12 November 2005:

1100—met with SGT [REDACTED] and SPC [REDACTED]; asked questions that were answered on second sworn statement.

1500—completed DA 1574 Findings

1630—completed DA 1574 write-up

1700—completed packet for submission to S1



6661A

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is ODCSOPS

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately  
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION	2. DATE (YYYYMMDD) 2005 11 10	3. TIME 1300	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS O-2	
8. ORGANIZATION OR ADDRESS A TRP 3-7 CAV			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1230 hrs on 10 NOV 06, I was notified by the Apache Troop  
 Tac personnel that were on shift (SPC [REDACTED]) that [REDACTED]  
 (SGT [REDACTED]) was involved in an escalation  
 of force incident while securing Route [REDACTED] during his  
 patrol in which one local national was killed. I  
 immediately got on the radio to get a SITREP of the  
 situation on the ground. SGT [REDACTED] informed me  
 that while moving on the route in his M3A2, a vehicle  
 was moving at a high rate of speed towards his  
 M3A2. He informed me that he attempted to use hand  
 and arm signals to slow the car down. He then put  
 warning shots in the air, the ground, and the median  
 and the car still continued. He then informed me  
 that he put one in the hood of the car and  
 the car still continued. SGT [REDACTED] said he felt  
 threatened by the car as a possible VBIED threat and  
 put a shot in the windshield of the car. The patrol  
 turned around and headed north towards the car where  
 the medic pronounced the local national dead. I  
 advised SGT [REDACTED] to document the scene for a  
 follow on investigation. He informed me that 4 IP  
 trucks were already on the scene and had taken the car

10. EXHIBIT A	11. INITIALS OF PERSON MAKING STATEMENT [REDACTED]	PAGE 1 OF 2 PAGES
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ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT" TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER  
 MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF 16T [REDACTED] TAKEN AT 2005 11 10 1300hrs DATED 2005 11 10

9. STATEMENT (Continued)

and the body of the local national by the time they had returned to the scene.

nothing follows — [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 2 PAGES

STATEMENT OF \_\_\_\_\_ TAKEN AT \_\_\_\_\_ DATED \_\_\_\_\_

9. STATEMENT (Continued)

[Redacted Statement Content]

AFFIDAVIT

I, [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 2. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE OR UNLAWFUL INDUCEMENT.

[Redacted Signature] 12T, AR  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of Nov, 2005 at Fort Bragg, NC

[Redacted Signature]  
(Signature of Person Administering Oath)

[Redacted Name]  
(Typed Name of Person Administering Oath)

[Redacted Title]  
(Authority To Administer Oaths)

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT

PAGE OF PAGES

## SWORN STATEMENT

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## AUTHORITY:

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## PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

## ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

## DISCLOSURE:

Disclosure of your social security number is voluntary.

## 1. LOCATION

Route [REDACTED]

## 2. DATE (YYYYMMDD)

2005 11 10

## 3. TIME

1230

## 4. FILE NUMBER

## 5. LAST NAME, FIRST NAME, MIDDLE NAME

## 6. SSN

## 7. GRADE/STATUS

E5

## 8. ORGANIZATION OR ADDRESS

3rd Platoon Alpha Troop

3/7 CAV

## 9.

1. Sgt. [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

At 1230 on 2005 11 10, While patrolling Route [REDACTED] my bradley gunner had notified me of a white car moving in and out of traffic behind my vehicle at a high high rate of speed. I was watching some houses off to my left and quickly observed the car moving in my direction. Once I made eye contact with the car I used my hand to signal for the vehicle to slow down. At this time the vehicle continued in my direction at the same rate of speed. Now I had notified my wingman but before he responded, I showed the car my weapon and once again the vehicle continued towards my vehicle, closing in on 50 meters. Now I had fired four warning shots into the air and the vehicle did not acknowledge, and still heading for my vehicle. At this time I had fired two rounds into the dirt of the median, and he continued towards my vehicle. By now the vehicle was 30 to 35 meters from my vehicle. This time I had fired one round into the left side of the vehicles grille, and still continued towards my vehicle. At this time I put the safety of both my crew and myself into my hands and fired one well aimed shot into the vehicles windshield. At this time the vehicle was only 15 to 20 meters from my vehicle. Next I was able to reach my wingman and notify him of the incident. So my wingman and I spun our vehicles around and headed north on Route [REDACTED]. Once we arrived on the scene, I had gotten onto the ground with our medic to assess the situation. The medic checked the man over and announced him dead. At this time my wingman had called up through the chain of command and notified them of the incident. By this time The Iraqi Police had policed the body and vehicle. Then my two Bradleys returned to our forward operating base to debrief our S1.

## 10. EXHIBIT

B

## 11. INITIALS OF PERSON MAKING STATEMENT

PAGE 1 OF

3

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

[REDACTED]

TAKEN AT

W 1400

DATED

W 2005 11 10

9. STATEMENT (Continued)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE

2 OF 3

PAGES

STATEMENT OF

TAKEN AT

W 1400

DATED

W 2005 11 10

9. STATEMENT (Continued)

[Redacted statement content]

AFFIDAVIT

I, Sgt [Redacted], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[Redacted Signature]  
(Signature of Person Making Statement)

WITNESSES:

[Redacted Witness Name]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of NOV, 2005 at FOB [Redacted] Bagram, IG

[Redacted Signature]  
(Signature of Person Administering Oath)

[Redacted Name]  
(Typed Name of Person Administering Oath)

[Redacted Authority]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

[Redacted Initials]

PAGE 3 OF 3 PAGES

EXHIBIT C

# SWORN STATEMENT

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**DISCLOSURE:** Disclosure of your social security number is voluntary.

1. LOCATION Pte. [REDACTED]	2. DATE (YYYYMMDD) 20051110	3. TIME 1230	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 3d Plt A Trp 3-7 CAV			

I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

Today (10 Nov. 2005) my section patrolled route [REDACTED] at our slated time which was from 1000 to 1300. The time was 1230 when we had made our move south down pluto to clear the route before the other patrols got out there. Not long after we made our final move south myself and my BC Sgt. [REDACTED] were scanning the rear and the lateral routes. Then out of the group of vehicles that were well beyond one hundred meters behind our Bradleys a white car flew up right behind us. The car kept getting closer until he was about twenty meters away from us. I yelled to my BC "too close, too close"! So he shot four warning shots in the air, and the guy didn't even slow down, then my BC shot two shots into the dirt in the median. The guy still didn't stop or slowdown so Sgt. [REDACTED] shot one into the grill of the car, and that's when the guy was way to close so he put one more shot into the cab. Then our section turned right around to go assess the situation. Once we got back to the guys car the medic that was with us announced the guy dead. From there we called up the chain of command and gave them the information they needed, and once we were done doing that the IP's took the body and the car. We then made our way back north to F.O.B. [REDACTED]

10. EXHIBIT

C

11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF

TAKEN AT

1400

DATED

10 Nov. 2005 DMV

STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT

PAGE 2 OF 3 PAGES



STATEMENT OF

TAKEN AT

1400

DATED

10 Nov 2005

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Sgt. [REDACTED]

ORGANIZATION OR ADDRESS

ORGANIZATION OR ADDRESS

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of NOV, 2005

at

FBI [REDACTED]; BAHAMA, IL

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED]  
(Authority To Administer Oaths)

INITIALS OF PERSON MAKING STATEMENT

PAGE 3 OF 3 PAGES

Exhibit D

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DDCSOPS

## PRIVACY ACT STATEMENT

## AUTHORITY:

Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).

## PRINCIPAL PURPOSE:

To provide commanders and law enforcement officials with means by which information may be accurately identified.

## ROUTINE USES:

Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.

## DISCLOSURE:

Disclosure of your social security number is voluntary.

## 1. LOCATION

Route [REDACTED]

## 2. DATE (YYYYMMDD)

2005 11 10

## 3. TIME

1230

## 4. FILE NUMBER

## 5. LAST NAME, FIRST NAME, MIDDLE NAME

[REDACTED]

## 6. SSN

[REDACTED]

## 7. GRADE/STATUS

E-5

## 8. ORGANIZATION OR ADDRESS

3<sup>rd</sup> Platoon Alpha Troop 3/7 Cavalry

## 9.

1. Sgt. [REDACTED]

WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

## 1. Who was your wingman and what was his involvement?

My wingman was SSG [REDACTED] he was the lead vehicle and I was the trail. My wingman had no involvement with the incident, I radioed up to him but the incident happened so quick. So when we finally did communicate over the net we turned around and he helped Corradon off the scene. Once he helped Corradon off the area he was on the net talking to the chain of command about the incident.

## 2. Do you feel the soldiers under you had a firm knowledge about the ROE and escalation of force before they began the patrol?

Yes, before we leave our patrol leader always reinforces the ROE. And once you break to crew level our BCL's go over the ROE with the crews.

## 3. How does Apache Troop reinforce ROE and/or escalation of force procedures?

Apache Troop Reinforces ROE and/escalation of force Procedures by conducting premission briefs at the Section Sgt. level, Prior to each mission. We the NCO's refresh our Soldiers on the steps to be taken in order to comply with the laws of land warfare. Example The 5 S's.

## 4. What were the possible actions that could have been taken to mitigate the risks associated with using deadly force?

In this case I prudently Exercised all mitigation measures possible given the Situation.

## 10. EXHIBIT

D

## 11. INITIALS OF PERSON MAKING STATEMENT

[REDACTED]

PAGE 1 OF

3

PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF Sgt. [REDACTED] TAKEN AT 1234 [REDACTED] DATED 2005 11 10 [REDACTED]

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF Sgt. [REDACTED] TAKEN AT 1234 [REDACTED] DATED 2005 11/10

9. STATEMENT (Continued)

[REDACTED]

AFFIDAVIT

I, Sgt. [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE 3. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of Nov, 2005 at FOB [REDACTED] Bagram, AF

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED]  
(Authority To Administer Oaths)

[REDACTED]  
ORGANIZATION OR ADDRESS

[REDACTED]  
ORGANIZATION OR ADDRESS

INITIALS OF PERSON MAKING STATEMENT  
[REDACTED]

PAGE 3 OF 3 PAGES

Exhibit E

## SWORN STATEMENT

For use of this form, see AR 190-45; the proponent agency is DUCSOPS

## PRIVACY ACT STATEMENT

AUTHORITY: Title 10 USC Section 301; Title 5 USC Section 2951; E.O. 9397 dated November 22, 1943 (SSN).  
 PRINCIPAL PURPOSE: To provide commanders and law enforcement officials with means by which information may be accurately identified.  
 ROUTINE USES: Your social security number is used as an additional/alternate means of identification to facilitate filing and retrieval.  
 DISCLOSURE: Disclosure of your social security number is voluntary.

1. LOCATION Rte [REDACTED]	2. DATE (YYYYMMDD) 2005/1/10 [REDACTED]	3. TIME 1230 [REDACTED]	4. FILE NUMBER
5. LAST NAME, FIRST NAME, MIDDLE NAME [REDACTED]	6. SSN [REDACTED]	7. GRADE/STATUS E-4	
8. ORGANIZATION OR ADDRESS 3rd Plt. A Troop 3-7 CAV			

9. I, [REDACTED], WANT TO MAKE THE FOLLOWING STATEMENT UNDER OATH:

- Who was your wingman and what was his involvement? SSG. [REDACTED] He was in the lead Bradley. After the incident he help cordon off the area around the civilian vehicle.
- Do you feel the soldiers under you had a firm knowledge about the ROE and escalation of force before they began the patrol? Yes we all were aware of all rules of engagement. We were briefed before our patrol by our patrol leader and by our BC's.
- How does Apache Troop reinforce ROE and/or escalation of force procedures? My troop uses its NCO's at section Sgt [REDACTED] to push the issue and seriousness of our ROE. They really stress to us the dangers and risks of not following the ROE.
- What were the possible actions that could have been taken to mitigate the risks associated with using deadly force? We used all steps of escalation of force. In our case the car was way too close to not use the escalation of force that we used.

10. EXHIBIT

E

11.

[REDACTED] MAKING STATEMENT

PAGE 1 OF 3 PAGES

ADDITIONAL PAGES MUST CONTAIN THE HEADING "STATEMENT OF

TAKEN AT

DATED

THE BOTTOM OF EACH ADDITIONAL PAGE MUST BEAR THE INITIALS OF THE PERSON MAKING THE STATEMENT, AND PAGE NUMBER MUST BE INDICATED.

USE THIS PAGE IF NEEDED. IF THIS PAGE IS NOT NEEDED, PLEASE PROCEED TO FINAL PAGE OF THIS FORM.

STATEMENT OF [REDACTED] TAKEN AT 1230 [REDACTED] DATED 10 MAY 2008 [REDACTED]

9. STATEMENT (Continued)

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

PAGE 2 OF 3 PAGES

STATEMENT OF [REDACTED]

TAKEN AT

1230 [REDACTED]

DATED 10 NOV 2005 [REDACTED]

9. STATEMENT (Continued)

AFFIDAVIT

I, [REDACTED], HAVE READ OR HAVE HAD READ TO ME THIS STATEMENT WHICH BEGINS ON PAGE 1, AND ENDS ON PAGE [REDACTED]. I FULLY UNDERSTAND THE CONTENTS OF THE ENTIRE STATEMENT MADE BY ME. THE STATEMENT IS TRUE. I HAVE INITIALED ALL CORRECTIONS AND HAVE INITIALED THE BOTTOM OF EACH PAGE CONTAINING THE STATEMENT. I HAVE MADE THIS STATEMENT FREELY WITHOUT HOPE OF BENEFIT OR REWARD, WITHOUT THREAT OF PUNISHMENT, AND WITHOUT COERCION, UNLAWFUL INFLUENCE, OR UNLAWFUL INDUCEMENT.

[REDACTED]  
(Signature of Person Making Statement)

WITNESSES:

Sgt. [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

ORGANIZATION OR ADDRESS [REDACTED]

INITIALS OF PERSON MAKING STATEMENT [REDACTED]

Subscribed and sworn to before me, a person authorized by law to administer oaths, this 10 day of NOV, 2005 at Fort [REDACTED], BARTON, 17

[REDACTED]  
(Signature of Person Administering Oath)

[REDACTED]  
(Typed Name of Person Administering Oath)

[REDACTED]  
(Authority To Administer Oaths)

PAGE 3 OF 3 PAGES



DEPARTMENT OF THE ARMY  
C TROOP, 3D SQUADRON, 7<sup>th</sup> U.S. CAVALRY  
3D INFANTRY DIVISION (MECH)  
FORT STEWART, GEORGIA 31314



AFZP-VBE-CT

14 November 2005

MEMORANDUM FROM FSO, C TROOP, 3-7 CAV

MEMORANDUM FOR 10 NOV 05 EOF

SUBJECT: EXHIBIT F: [REDACTED] EOF INCIDENT; FIGURE 1

1. The purpose of this memorandum is to explain how SGT [REDACTED] actions minimized economy of force.
  - a. On the 10 NOV 05 incident regarding the shooting of a Iraqi local national, it was made obvious, after speaking with SGT [REDACTED] he chose to use his M-4 carbine to enforce the ROE instead of commanding his gunner to engage the sedan with 25mm. SGT [REDACTED] chose to put himself in danger by elevating himself out from protection behind a ballistic shield using his M-4 carbine to engage the sedan when he could have commanded his gunner to engage with 25mm. The final distance of the white sedan was within 20m from the rear and pose imminent danger to the patrol. Although SGT [REDACTED] had every right to defend his soldiers by commanding his gunner to engage the vehicle with 25mm, he chose, IOT minimize unnecessary damage, to use his M-4 to enforce escalation of force procedures.

[REDACTED]  
[REDACTED]  
ILT  
FSO



Exhibit G

CJTF-7 US RULES OF ENGAGEMENT CARD

Warning before firing

You may, time permitting, give a warning in a loud clear voice:

KIFF - ARMICK (Stop or I'll shoot)

ERMY SE-LA-HAK (Drop your weapon)

3. You may detain civilians if they interfere with mission accomplishment, possess important information, or if required for self-defense.

- a. Treat all persons and their property with respect and dignity.
- b. Iraqi security forces and police are authorized to carry weapons.

4. Necessary force, including deadly force, is authorized for the protection of some types of property to include the following:

- a. Public utilities
- b. Hospitals and public health facilities
- c. Electric and Oil infrastructure
- d. Coalition and captured weapons and ammunition
- e. Financial institutions

Other mission essential property as designated by your commander

**REMEMBER**

- Attack only hostile forces and military targets.
- Avoid fratricide - be aware of nearby units and Iraqi police and security forces
- Spare civilians and civilian property, if possible.
- Conduct yourself with dignity and honor.
- Comply with the Law of War. If you see a violation, report it.
- **YOU ALWAYS HAVE THE RIGHT TO USE NECESSARY FORCE, INCLUDING DEADLY FORCE, TO PROTECT YOURSELF AND OTHERS**

These ROE will remain in effect until your commander orders you to transition to different ROE.

CJTF-7 US RULES OF ENGAGEMENT CARD

**NOTHING ON THIS CARD PREVENTS YOU FROM USING DEADLY FORCE TO DEFEND YOURSELF**

1. Enemy military and paramilitary forces may be attacked subject to the following instructions:

a. Positive Identification (PID) is required prior to engagement. PID is a reasonable certainty that the proposed target is a legitimate military target. If no PID, contact your next higher commander for decision.

b. Do not engage anyone who has surrendered or is out of battle due to sickness or wounds.

c. Do not target or strike any of the following except in self-defense to protect yourself, your unit, friendly forces, and designated persons or property under your control:

(1) Civilians

(2) Hospitals, mosques, churches, shrines, schools, museums, national monuments, and any other historical and cultural sites.

d. Do not fire into civilian populated areas or buildings unless the hostile force is using them for military purposes or if necessary for self-defense.

e. Minimize collateral damage.

2. You may use force, including deadly force, to defend yourself from persons who commit or are about to commit hostile acts against you. You may use the same level of force to protect the following:

- a. Yourself, your unit, and friendly forces.
- b. Enemy prisoners of war and detainees.
- c. Civilians from crimes that are likely to cause death or serious bodily harm, such as murder or rape.
- d. Designated organizations and / or property, such as personnel of the Red Cross / Crescent, UN, and US / UN supported organizations

EOF: 101240NOV05

Who: [REDACTED]

What: EOF

When: 101240NOV05

Where: [REDACTED]

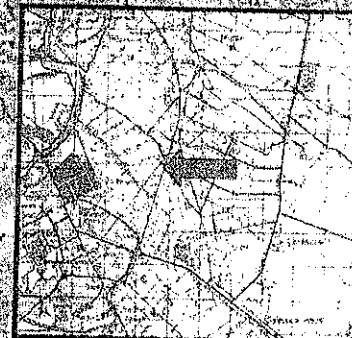


3-7 CAV

101240NOV05: Apache 3<sup>rd</sup> PLT (2xM3A2) at [REDACTED] in RTE [REDACTED] south reports that a White Toyota crown approached the patrol at a high rate of speed from the rear of the convoy.

The patrol reports using proper EOF procedures, firing a warning shot, and the vehicle would not stop. At this time the patrol engaged the vehicle. 1xLN KIA, 1P searched the vehicle and found nothing. 15-6 investigation is currently ongoing.

Sent to BDE:



Legend

○ EOF

17802